

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION
DOCKET NO. 2021-349-E

Joint Petition of Duke Energy Carolinas,)	
LLC and Duke Energy Progress, LLC to)	
Request the Commission to Hold a Joint)	
Hearing with the North Carolina)	PETITION TO INTERVENE
Utilities Commission to Develop)	
Carbon Plan)	
)	

The South Carolina Coastal Conservation League (“CCL”), Southern Alliance for Clean Energy (“SACE”), Upstate Forever, Natural Resources Defense Council (“NRDC”), and Sierra Club (collectively, “Petitioners”) respectfully petition the Public Service Commission of South Carolina (“Commission”) to intervene in the above-captioned dockets pursuant to R.103-825 of the Commission’s rules of practice and procedure. In support of this petition, Petitioners state as follows:

1. On November 9, 2021, Duke Energy Carolinas, LLC’s (“DEC”) and Duke Energy Progress, LLC’s (“DEP”) (collectively, “Duke Energy” or “the Companies”) filed a petition (“Petition”) with the Commission requesting that the Commission and North Carolina Utilities Commission (“NCUC”) hold a joint proceeding to develop a Carbon Plan as required under North Carolina HB 951. The bill requires that the NCUC approve a Carbon Plan for each utility to achieve a 70% reduction in carbon emissions from 2005 levels by 2030; those plans have to be developed and approved by the NCUC by December 31, 2022.

2. The Petition proposes that the Commission and NCUC hear evidence and develop a record, with the NCUC chair presiding, at the joint proceeding. The Petition

further requests that the Commission issue an order by January 31, 2023, requiring that the final Carbon Plan be incorporated into the Companies' 2023 South Carolina Integrated Resource Plans ("IRPs").

3. In support of its Petition, Duke Energy asserts that both commissions have the authority to hold a joint hearing, and that a joint hearing on the Carbon Plan is consistent with Act 62's directive to "address all renewable energy issues in a fair and balanced manner" and the Commission's expanded oversight in the IRP process. *See* S.C. Code Ann. §§ 58-41-05, 58-37-40. The Petition also states that both North Carolina and South Carolina stakeholders should have a "seat at the table" as decisions are made regarding the resources that will serve both states' customers over the next decade and that all customers will benefit from a coordinated approach to the Carbon Plan.

4. CCL is a nonprofit corporation organized under the laws of the State of South Carolina whose mission is to protect the natural environment of the South Carolina coastal plain and to enhance the quality of life in its communities by working with individuals, businesses, and government to ensure balanced solutions. CCL and its members support the development of energy policy that is in the public interest of South Carolinians. CCL has members who receive electricity service from the Companies and whose electricity rates and service will be impacted by the outcomes of this proceeding and any related proceedings, including the Companies' IRPs and IRP Updates. The principal address of CCL is 131 Spring Street, Charleston, South Carolina 29403.

5. SACE is a nonprofit organization whose mission is to promote responsible and equitable energy choices to ensure clean, safe and healthy communities throughout the Southeast. SACE and its members are interested in promoting greater reliance on clean

energy resources to meet the South's energy needs. SACE has members in South Carolina who receive electricity service from the Companies and whose electricity rates and service will be impacted by the outcomes of this proceeding and any related proceedings, including the Companies' IRPs and IRP Updates. SACE's principal address is P.O. Box 1842, Knoxville, Tennessee 37901. SACE also has offices in Georgia and North Carolina, and in-state staff in Florida and South Carolina.

6. Upstate Forever is a non-profit, membership-based organization existing under the laws of the State of South Carolina. Upstate Forever promotes sensible growth and the protection of the critical lands, waters, and unique character of Upstate South Carolina. Upstate Forever has members who receive electricity service from the Companies and whose electricity rates and service will be impacted by the outcomes of this proceeding and any related proceedings, including the Companies' IRPs and IRP Updates. The principal address of Upstate Forever is 507 Pettigru Street, Greenville, South Carolina, 29601.

7. The Sierra Club is a nonprofit conservation organization incorporated in California. It currently represents almost 800,000 dues-paying members nationwide and approximately 6,920 dues-paying members in South Carolina. The Sierra Club's mission is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. The Sierra Club has a long history of working to reduce air pollution from coal-fired power plants and to promote clean energy sources in the Southeast. In furtherance of this mission, the Sierra Club and the Sierra Club's South

Carolina Chapter work to accelerate the transition from dirty fuels like coal and gas to clean energy solutions like solar, wind and energy efficiency, and advocate for state and federal policies and industry action to achieve this transition. Sierra Club and its South Carolina members will be impacted by the affected by the decisions made in this proceeding and related resource planning proceedings, including the Companies' future IRPs and IRP Updates. The address of the Sierra Club's principal office in South Carolina is 1314 Lincoln Street, Columbia, South Carolina 29201.

8. NRDC is a national environmental organization with over 30 years' experience working on state energy policy, including utility regulation and energy efficiency. NRDC, and its members in South Carolina who receive electricity service from electric utilities regulated by the Commission, have a strong interest in ensuring that South Carolina adopts environmentally sound and sustainable energy policies. NRDC works to promote renewable energy and to advocate for the passage and implementation of clean energy standards and other policies that expand the market for wind and solar power. NRDC also works to promote energy efficiency and conducts research, partners with manufacturers, and advocates for policies that create dramatic energy savings. Likewise, NRDC encourages states to fully account for efficiency potential when they forecast whether they need new power plants or transmission lines in order to avoid costly infrastructure and lower customers' bills. NRDC and its South Carolina members will be affected by the decisions made in this proceeding and related resource planning proceedings, including the Companies' future IRPs and IRP Updates. NRDC has headquarters at 40 West 20th Street, New York, New York 10011 and also has a Southeast office in Asheville, North Carolina.

9. Petitioners and their members have a direct and substantial interest in South Carolina electric utilities' integrated resource plans and the Companies' Carbon Plan. Petitioners' members who receive electricity service at their homes and businesses from the utilities operating in our state will be affected by decisions made by the utilities in their resource planning processes—and by the Commission in this and future related proceedings, such as new plant certifications and rate cases. Petitioners and their members are interested in promoting cost-effective, clean energy solutions that reduce risks for customers and will lead to cleaner, safer, and healthier communities for all South Carolinians. To that end, Petitioners intervened and were active participants in the Companies' 2020 IRP proceedings before this Commission. Docket Nos. 2019-224-E and 2019-225-E.

10. Pursuant to R. 103-804(T) of the Commission's Rules of Practice and Procedure, the Petitioners are represented by counsel in this proceeding:

Kate Mixson
Southern Environmental Law Center
525 Bay Street, Suite 200
Charleston, SC 29403
Telephone: (843) 720-5270
Fax: (843) 414-7039

Emma Clancy
Southern Environmental Law Center
525 Bay Street, Suite 200
Charleston, SC 29403
Telephone: (843) 720-5270
Fax: (843) 414-7039

WHEREFORE, Petitioners pray that they be allowed to intervene as a party of record and participate fully in this proceeding.

Respectfully submitted this 21st day of December, 2021.

/s/ Kate Lee Mixson
SC Bar No. 104478
Southern Environmental Law Center
525 East Bay Street, Suite 200
Charleston, SC 29403
Telephone: (843) 720-5270
Fax: (843) 414-7039

/s/ Emma C. Clancy
SC Bar No. 105051
Southern Environmental Law Center
525 East Bay Street, Suite 200
Charleston, SC 29403
Telephone: (843) 720-5270
Fax: (843) 414-7039

*Counsel for Petitioners South Carolina
Coastal Conservation League,
Southern Alliance for Clean Energy, Upstate
Forever, Natural Resources Defense
Council, and Sierra Club*

CERTIFICATE OF SERVICE

I hereby certify that the parties listed below have been served via first class U.S. Mail or electronic mail with a copy of the *Petition to Intervene* on behalf of the South Carolina Coastal Conservation League, Southern Alliance for Clean Energy, Upstate Forever, Natural Resources Defense Council and Sierra Club.

Andrew M. Bateman, Counsel Office of Regulatory Staff 1401 Main Street, Suite 900 Columbia, South Carolina 29201 abateman@ors.sc.gov	Carri Grube Lybarker, Consumer Advocate S.C. Department of Consumer Affairs Post Office Box 5757 Columbia, South Carolina 29250 clybarker@scconsumer.gov
Bradley S. Wright, Counsel Burr and Forman, LLP Post Office Box 11390 Columbia, South Carolina 29211 bwright@burr.com	Camal O. Robinson, Deputy Gen. Counsel Duke Energy Carolinas, LLC and Duke Energy Progress, LLC 40 West Board Street, Suite 690 Greenville, South Carolina 29601 camal.robinson@duke-energy.com
Roger P. Hall Deputy Consumer Advocate S.C. Department of Consumer Affairs Post Office Box 5757 Columbia, South Carolina 29250 rhall@scconsumer.gov	Samuel J. Wellborn, Counsel Robinson Gray Stepp & Laffitte, LLC Post Office Box 11449 Columbia, South Carolina 29211 swelborn@robinsongray.com
Charles L.A. Terreni Terreni Law Firm 1508 Lady Street Columbia, South Carolina 29292 Charles.terreni@terrenilaw.com	Conner J. Parker, Asst. Consumer Adv. S.C. Department of Consumer Affairs Post Office Box 5757 Columbia, South Carolina 29250 cjparker@scconsumer.gov
Courtney E. Walsh, Counsel Nelson Mullins Riley & Scarborough, LLC Post Office Box 11078 Columbia, South Carolina 29211 Court.walsh@nelsonmullins.com	Frank R. Ellerbe, III, Counsel Robinson Gray Stepp & Robinson, LLC Post Office Box 11449 Columbia, South Carolina 29211 fellerbe@robinsongray.com
Richard L. Whitt, Counsel Whitt Law Firm Post Office Box 362 Irmo, South Carolina 29063 richard@rlwhitt.law	Jeffrey W. Kuykendall, Attorney At Law 127 King Street, Suite 208 Charleston, South Carolina 29401 jwkuykendall@jwllegal.com

James H. Goldin, Esquire Nelson Robinson Riley & Scarborough, LLC Post Office Box 292 Columbia, South Carolina 29210 Jamey.goldin@google.com	R. Taylor Speer, Counsel Turner Padget Graham Laney, P.A. Post Office Box 1509 Greenville, South Carolina 29602 tspeer@turnerpadget.com
Teresa Arnold, State Director AARP AARP SC 1201 Main Street, Suite 1720 Columbia, South Carolina 29201 pcobb@aarp.org	Vordman C. Traywick, III, Counsel Robinson Gray Stepp & Laffitte Post Office Box 11449 Columbia, South Carolina 29201 ltraywick@robinsongray.com
Weston Adams, III, Counsel Nelson Mullins Riley & Scarborough, LLC Post Office Box 11070 Columbia, South Carolina 29211 Weston.adams@nelsonmullins.com	

This 21st day of December, 2021.

s/Kate Mixson